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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Art Unit 1645

Re:

U.S. Utility Patent Application

Application No. 09/677,752; Filed: October 2, 2000 (as amended) Chlamydia Protein, Gene Sequence and Uses Thereof

Inventor: W. James JACKSON Our Ref: 2479.0050000/EJH/C-K

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Reply to Notice of Non-Responsive Amendment; and
- 2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Eric K. Steffe Attorney for Applicant

Tunt the

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EKS/C-K Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

W. James JACKSON

Appl. No.: 09/677,752

Filed: October 2, 2000 (as amended)

For: Chlamydia Protein, Gene Sequence

and Uses Thereof

Confirmation No.: 5261

Art Unit: 1645

Examiner: Ford, Vanessa L.

Atty. Docket: 2479.0050000/EJH/C-K

Reply to Notice of a Non-Responsive Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

In reply to the Notice of Non-responsive Amendment dated December 1, 2006, it is respectfully submitted that this Notice of Non-responsive Amendment is erroneous.

The Examiner alleged in the Notice that Applicant elected ten sequences in response to the Examiner's request to elect one species of sequence.

Applicant respectfully points out to the Examiner that Applicant elected SEQ ID NO: 5 on page 1 of the last Reply, submitted on July 10, 2006 and also found on the public PAIR of the United States Patent and Trademark Office. Applicant again provisionally elects SEQ ID NO: 5 for further examination of this application. Applicant respectfully requests that the Examiner reconsider the Notice of Non-responsive Amendment and that it be withdrawn.

The Examiner stated that the Examiner had already searched SEQ ID NOs: 1 and 2, and, citing MPEP §803.04, stated that the Examiner may search up to ten sequences, *i.e.*, eight sequences in addition to SEQ ID NOs: 1 and 2. If the Examiner is willing to search up to ten sequences under MPEP §803.04, Applicant hereby elects, in addition to SEQ ID NO: 5, seven additional sequences, *i.e.*, SEQ ID NOs: 6, 7, 8, 9, 10, 11, and 12, instead of the previously elected nine sequences. This election is likewise made without prejudice to or disclaimer of the other claims or inventions disclosed. Upon the identification of otherwise allowable subject

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matter in a generic or linking claim, Applicant also requests that the Examiner examine any

remaining unelected species, according to 37 C.F.R. § 1.141(a).

Applicant reserves all rights in the non-elected species, including the right to file one or

more divisional applications covering the subject matter thereof.

Applicant believes that a full and complete reply has been made to the outstanding Notice

of Non-responsive Amendment. If the Examiner believes, for any reason, that personal

communication will expedite prosecution of this application, the Examiner is invited to telephone

the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be

provided for in accompanying documents. However, in the event that additional extensions of

time are necessary to prevent abandonment of this application, then such extensions of time are

hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby

authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Attorney for Applicant

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